

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1338
OFFERED BY MS. MATSUI OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Satellite And Tele-
3 communications Streamlining Act” or the “SAT Stream-
4 lining Act”.

5 SEC. 2. AUTHORITY REGARDING CERTAIN LICENSES.

6 (a) AMENDMENT.—Part I of title III of the Commu-
7 nications Act of 1934 (47 U.S.C. 301 et seq.) is amended
8 by adding at the end the following new section:

9 “SEC. 346. RADIOFREQUENCY LICENSING AUTHORITY RE-
10 GARDING CERTAIN OPERATIONS.

11 “(a) RULES.—

12 “(1) IN GENERAL.—Not later than 18 months
13 after the date of the enactment of this section, the
14 Commission shall issue rules to amend part 25 of
15 title 47, Code of Federal Regulations, to establish—

16 “(A) for any license granted under sub-
17 section (b) or grant of market access granted
18 under subsection (c), specific, measurable, and

1 technology-neutral performance objectives for
2 space safety and orbital debris, in accordance
3 with paragraph (2);

4 “(B) for any license granted under para-
5 graph (1) or (2) of subsection (b), specific
6 modifications (or classes of modifications) to
7 such a license that warrant expedited treatment
8 under subparagraph (A) or (B) (as the case
9 may be) of subsection (g)(2);

10 “(C) for any license granted under sub-
11 section (b), grant of market access granted
12 under subsection (c), authorization granted
13 under subsection (d), or covered authorization,
14 the manner in which the licensee, grantee, or
15 entity shall notify the Commission of a request
16 to submit a modification under subsection
17 (g)(5);

18 “(D) for any request to modify a covered
19 authorization, the manner in which the entity
20 with the covered authorization shall indicate in
21 the request whether the entity is seeking a
22 modification described in subsection
23 (h)(2)(B)(i)(I) or a modification described in
24 subsection (h)(2)(B)(i)(II);

1 “(E) for any license granted under sub-
2 section (b), grant of market access granted
3 under subsection (c), or covered authorization,
4 in a spectrum band with service rules that re-
5 quire a licensee of such a license, a grantee of
6 such a grant, or an entity with such a covered
7 authorization to share spectrum with another
8 such licensee, grantee, or entity with a covered
9 authorization that is authorized to use the same
10 frequencies of such spectrum, specific actions
11 taken by such a licensee, grantee, or entity with
12 a covered authorization, or by any other entity
13 that is authorized to use such frequencies, that
14 constitute a failure to coordinate in good faith,
15 including whether withholding from another
16 such licensee, grantee, entity with a covered au-
17 thorization, or other entity information nec-
18 essary to coordinate in good faith that it is
19 technically feasible to make available to such li-
20 censee, grantee, entity with a covered authoriza-
21 tion, or other entity is such an action;

22 “(F) for any license granted under sub-
23 section (b)(1) or grant of market access grant-
24 ed under subsection (c)(1), in a spectrum band
25 with service rules that require a licensee of such

1 a license, a grantee of such a grant, or an enti-
2 ty with a covered authorization to share spec-
3 trum (except with respect to the use of a gate-
4 way station) with another such licensee, grant-
5 ee, or entity with a covered authorization that
6 is authorized to use the same frequencies of
7 such spectrum, a quantifiable level of protection
8 required under subsection (h)(4);

9 “(G) rules that—

10 “(i) clarify, for purposes of subsection
11 (h)(1)(A)(ii), the protection from harmful
12 interference that, during the covered pe-
13 riod, an entity with a covered authorization
14 that was approved in a processing round is
15 required to provide to any other entity with
16 a covered authorization that was approved
17 in an earlier processing round; and

18 “(ii) seek to promote competition, in-
19 novation, and efficient use of spectrum by
20 entities with covered authorizations, in-
21 cluding by accounting for advancements in
22 technology capable of managing inter-
23 ference concerns to the greatest extent pos-
24 sible consistent with clause (i); and

1 “(H) for any application or request for
2 modification described in subsection (n), what
3 constitutes reportable foreign ownership for
4 purposes of paragraph (1) of such subsection.

5 “(2) CONFLICT WITH INTERAGENCY STANDARD
6 PRACTICES.—In the rules issued pursuant to para-
7 graph (1)(A), or any successor rule, the Commission
8 may not establish performance objectives that con-
9 flict with any standard practice established in the
10 Orbital Debris Mitigation Standard Practices adopt-
11 ed by the United States Government.

12 “(b) APPLICATION FOR LICENSE.—

13 “(1) NGSO DETERMINATION REQUIRED.—Ex-
14 cept as provided in paragraph (5) and subsection
15 (m), not later than 1 year after the date on which
16 the Commission issues a public notice of the accept-
17 ance for filing of a written application submitted to
18 the Commission, the Commission shall make a deter-
19 mination whether to grant such application (includ-
20 ing any amendment to such application) for a license
21 for covered radiocommunication services using—

22 “(A) a nongeostationary orbit space station
23 or space stations;

24 “(B) a blanket-licensed earth station or
25 earth stations that will operate with a nonge-

1 stationary orbit space station or space stations;
2 or

3 “(C) a nongeostationary orbit space station
4 or space stations and the blanket-licensed earth
5 station or earth stations that will operate with
6 the nongeostationary orbit space station or
7 space stations.

8 “(2) GSO DETERMINATION REQUIRED.—Except
9 as provided in paragraph (5) and subsection (m),
10 not later than 1 year after the date on which the
11 Commission issues a public notice of the acceptance
12 for filing of a written application submitted to the
13 Commission, the Commission shall make a deter-
14 mination whether to grant such application (includ-
15 ing any amendment to such application) for a license
16 for covered radiocommunication services using—

17 “(A) a geostationary orbit space station or
18 space stations;

19 “(B) a blanket-licensed earth station or
20 earth stations that will operate with a geo-
21 stationary orbit space station or space stations;
22 or

23 “(C) a geostationary orbit space station or
24 space stations and the blanket-licensed earth
25 station or earth stations that will operate with

1 the geostationary orbit space station or space
2 stations.

3 “(3) CONTENTS OF APPLICATION.—In addition
4 to the application requirements described in section
5 308(b), an application submitted under paragraph
6 (1) or (2) shall include the following:

7 “(A) Performance metrics with respect to
8 the frequencies and transmission power to be
9 used.

10 “(B) A demonstration of compliance by the
11 applicant with the performance objectives estab-
12 lished under subsection (a)(1)(A).

13 “(C) A description of compliance by the
14 applicant with the actions established under
15 subsection (a)(1)(E), if applicable.

16 “(D) In the case of an application sub-
17 mitted under paragraph (1), a demonstration of
18 compliance by the applicant with the quantifi-
19 able level of protection established under sub-
20 section (a)(1)(F), if applicable.

21 “(4) TERM OF INITIAL LICENSE.—The Com-
22 mission shall grant a license for a term not to exceed
23 15 years for any application granted under this sub-
24 section.

1 “(5) EXCEPTIONS.—The deadline for the deter-
2 mination required in paragraphs (1), (2), and (6)
3 may be extended by the Commission for an applica-
4 tion subject to review under subsection (n).

5 “(6) TIMELY GRANT OF CERTAIN APPLICA-
6 TIONS.—

7 “(A) IN GENERAL.—Except as provided in
8 paragraph (5) and subsection (m), not later
9 than 60 days after the date on which the Com-
10 mission issues a public notice of the acceptance
11 for filing of a written application submitted to
12 the Commission for a license described in para-
13 graph (1) with respect to which the applicant
14 indicates in the application that the application
15 meets the additional criteria described in sub-
16 paragraph (B), the Commission shall—

17 “(i) determine whether such applica-
18 tion (including any amendment to such ap-
19 plication) meets the additional criteria de-
20 scribed in subparagraph (B); and

21 “(ii) if the determination under clause
22 (i) is affirmative, grant such application
23 (including any amendment to such applica-
24 tion).

1 “(B) CRITERIA DESCRIBED.—The addi-
2 tional criteria described in this subparagraph
3 are as follows:

4 “(i) A limit on the number of space
5 stations authorized by the license, as deter-
6 mined by the Commission.

7 “(ii) A limit on the total in-orbit life-
8 time for any individual space station, as
9 determined by the Commission.

10 “(iii) For each space station, the fol-
11 lowing:

12 “(I) A limit on the orbital alti-
13 tude at which the space station may
14 operate, as determined by the Com-
15 mission.

16 “(II) A requirement that the
17 space station has a maneuverability
18 capability and the ability to make col-
19 lision avoidance and deorbit maneu-
20 vers, as determined by the Commis-
21 sion.

22 “(III) A requirement that the
23 space station is identifiable by a
24 unique signal-based telemetry marker

1 that meets requirements issued by the
2 Commission.

3 “(IV) A requirement that the
4 space station releases no operational
5 debris.

6 “(V) A requirement that the
7 space station can be commanded by
8 command originating from the ground
9 to immediately cease transmissions
10 and the applicant has the capability to
11 eliminate harmful interference when
12 required by the Commission.

13 “(iv) A requirement that the operator
14 has assessed and limited the probability of
15 an accidental explosion, including an explo-
16 sion that results from the conversion of en-
17 ergy sources on board any space station
18 into energy that fragments the space sta-
19 tion.

20 “(v) A limit on the probability of a
21 collision between each space station and
22 any other large object, as determined by
23 the Commission.

24 “(vi) A requirement that each space
25 station is disposed of post-mission and the

1 probability of human casualty from dis-
2 posal meets requirements issued by the
3 Commission.

4 “(C) CRITERIA NOT MET.—If the deter-
5 mination under subparagraph (A)(i) with re-
6 spect to an application is negative, the Commis-
7 sion shall make a determination whether to
8 grant such application (including any amend-
9 ment to such application) under paragraph (1)
10 by the deadline specified in such paragraph.

11 “(D) EVASION.—An application does not
12 meet the additional criteria described in sub-
13 paragraph (B) if the Commission determines
14 that, taken together with any other application
15 or applications submitted by the applicant
16 under subparagraph (A) (including an applica-
17 tion that has been approved), such applications
18 are submitted with the purpose of evading a
19 negative determination with respect to such ad-
20 ditional criteria.

21 “(E) RULE OF CONSTRUCTION.—For pur-
22 poses of this section (other than this para-
23 graph), any reference to an application sub-
24 mitted or granted or a license granted under
25 paragraph (1) shall be construed to include an

1 application submitted or granted or a license
2 granted (as the case may be) under subpara-
3 graph (A).

4 “(F) IMPLEMENTATION.—

5 “(i) IN GENERAL.—Not later than 18
6 months after the date of the enactment of
7 this section, the Commission shall—

8 “(I) issue rules to implement this
9 paragraph; or

10 “(II) make the finding described
11 in clause (ii).

12 “(ii) FINDING DESCRIBED.—If the
13 Commission finds that the rules of the
14 Commission, as of the date of the enact-
15 ment of this section, satisfy the require-
16 ments in this paragraph, the Commission
17 shall issue a public notice stating such
18 finding.

19 “(c) APPLICATION FOR GRANT OF MARKET AC-
20 CESS.—

21 “(1) NGSO DETERMINATION REQUIRED.—

22 After the date on which the Commission issues a
23 public notice of the acceptance for filing of a written
24 application submitted to the Commission, the Com-
25 mission shall make a determination whether to grant

1 such application (including any amendment to such
2 application) for market access within the United
3 States for covered radiocommunication services
4 using—

5 “(A) a nongeostationary orbit space station
6 or space stations;

7 “(B) a blanket-licensed earth station or
8 earth stations that will operate with a nongeostationary orbit space station or space stations;
9 stationary orbit space station or space stations;
10 or

11 “(C) a nongeostationary orbit space station
12 or space stations and the blanket-licensed earth
13 station or earth stations that will operate with
14 the nongeostationary orbit space station or
15 space stations.

16 “(2) GSO DETERMINATION REQUIRED.—After
17 the date on which the Commission issues a public
18 notice of the acceptance for filing of a written appli-
19 cation submitted to the Commission, the Commis-
20 sion shall make a determination whether to grant
21 such application (including any amendment to such
22 application) for market access within the United
23 States for covered radiocommunication services
24 using a geostationary orbit space station or space
25 stations.

1 “(3) CONTENTS OF APPLICATION.—In addition
2 to the application requirements described in section
3 308(b), an application submitted under paragraph
4 (1) or (2) shall include the following:

5 “(A) Performance metrics with respect to
6 the frequencies and transmission power to be
7 used.

8 “(B) A demonstration of compliance by the
9 applicant with the performance objectives estab-
10 lished under subsection (a)(1)(A).

11 “(C) A description of compliance by the
12 applicant with the actions established under
13 subsection (a)(1)(E), if applicable.

14 “(D) In the case of an application sub-
15 mitted under paragraph (1), a demonstration of
16 compliance by the applicant with the quantifi-
17 able level of protection established under sub-
18 section (a)(1)(F), if applicable.

19 “(4) TERM OF INITIAL GRANT OF MARKET AC-
20 CESS.—The Commission shall grant a grant of mar-
21 ket access for a term not to exceed 15 years for any
22 application granted under this subsection.

23 “(d) EARTH STATION AUTHORIZATION.—

24 “(1) DETERMINATION REQUIRED FOR INDIVID-
25 UALLY LICENSED EARTH STATIONS.—Except as pro-

1 vided in paragraph (4) and subsection (m), not later
2 than 1 year after the date on which the Commission
3 issues a public notice of the acceptance for filing of
4 a written application submitted to the Commission,
5 the Commission shall make a determination whether
6 to grant such application (including any amendment
7 to such application) for authorization to use an indi-
8 vidually licensed earth station.

9 “(2) DETERMINATION REQUIRED FOR RECEIVE-
10 ONLY EARTH STATIONS.—Except as provided in
11 paragraph (4) and subsection (m), not later than 30
12 days after the date on which the Commission issues
13 a public notice of the acceptance for filing of a writ-
14 ten application submitted to the Commission, the
15 Commission shall make a determination whether to
16 grant such application (including any amendment to
17 such application) for authorization to use an earth
18 station or earth stations to receive a signal from—

19 “(A) a nongeostationary orbit space station
20 or space stations operated under a license
21 granted under subsection (b)(1) or a grant of
22 market access granted under subsection (c)(1);
23 or

24 “(B) a geostationary orbit space station or
25 space stations operated under a license granted

1 under subsection (b)(2) or a grant of market
2 access granted under subsection (c)(2).

3 “(3) DEEMED GRANTED.—If the Commission
4 fails to grant or deny a written application (includ-
5 ing any amendment to such application) submitted
6 under paragraph (1) or (2) by the deadline for the
7 determination required by such paragraph (including
8 any extension of such deadline under paragraph (4)
9 or subsection (m)), the application (including any
10 amendment to such application) shall be deemed
11 granted on the date on which the Commission re-
12 ceives a written notice by the applicant of the fail-
13 ure.

14 “(4) EXCEPTION.—The deadline for the deter-
15 mination required by paragraph (1) or (2) may be
16 extended by the Commission for an application sub-
17 ject to review under subsection (n).

18 “(5) INAPPLICABILITY TO BLANKET-LICENSED
19 EARTH STATIONS.—This subsection does not apply
20 with respect to an earth station or earth stations to
21 the extent that the earth station or earth stations
22 will be blanket-licensed with a space station or space
23 stations as described in subsection (b)(1)(B),
24 (b)(1)(C), (b)(2)(B), (b)(2)(C), (c)(1)(B), or
25 (c)(1)(C).

1 “(e) DETERMINATION OF PUBLIC INTEREST, CON-
2 VENIENCE, AND NECESSITY.—The Commission may not
3 make a determination to grant an application, renewal, or
4 modification under subsection (b), (c), (d), (f), or (g) (as
5 the case may be) unless—

6 “(1) except in the case of a modification under
7 subsection (g)(2), the Commission determines that
8 the license, grant, or authorization (as the case may
9 be) serves the public interest, convenience, and ne-
10 cessity; and

11 “(2) the Commission determines that—

12 “(A) in the case of a licensee or grantee to
13 which subsection (h)(4) applies—

14 “(i) in the case of an application, ex-
15 cept in accordance with a coordination
16 agreement, the licensee or grantee will not,
17 during the term of the license or grant, ex-
18 ceed the quantifiable level of protection es-
19 tablished in subsection (h)(4) in operating
20 under the license or grant;

21 “(ii) in the case of a renewal, except
22 in accordance with a coordination agree-
23 ment, the licensee or grantee has not ex-
24 ceeded, during the preceding term of the li-
25 cense or grant, and will not exceed, during

1 the term of the renewal of the license or
2 grant, the quantifiable level of protection
3 established in subsection (h)(4) in oper-
4 ating under the license or grant; and

5 “(iii) in the case of a modification, ex-
6 cept in accordance with a coordination
7 agreement, the licensee or grantee has not
8 exceeded, during the portion of the term of
9 the license or grant preceding the deter-
10 mination, and will not exceed, during the
11 remainder of such term, the quantifiable
12 level of protection established in subsection
13 (h)(4) in operating under the license or
14 grant; and

15 “(B) in the case of a licensee or grantee
16 that is required to protect radio astronomy ob-
17 servatories by the International Telecommuni-
18 cation Union, the application, request for re-
19 newal, or request for modification demonstrates
20 that the licensee or grantee will provide such
21 protection in operating under the license or
22 grant.

23 “(f) RENEWAL OF LICENSE, GRANT OF MARKET AC-
24 CESS, OR AUTHORIZATION.—

1 “(1) IN GENERAL.—Except as provided in sec-
2 tion 309(k)(2), the Commission shall grant a re-
3 newal for a license granted under subsection (b), a
4 grant of market access granted under subsection (c),
5 or an authorization granted under subsection (d),
6 upon request by the licensee, grantee, or entity with
7 such authorization (as the case may be), for a term
8 not to exceed the length of the initial term beginning
9 the day after the date on which the preceding term
10 of the license, grant of market access, or authoriza-
11 tion expires, if the Commission determines the re-
12 quirements under subsection (e) and section 309(k)
13 have been met.

14 “(2) DEADLINE FOR DETERMINATION.—Except
15 as provided in subsection (m), not later than 180
16 days after the date on which the Commission re-
17 ceives a request for renewal of a license granted
18 under subsection (b), a grant of market access
19 granted under subsection (c), or an authorization
20 granted under subsection (d), the Commission
21 shall—

22 “(A) grant such request (including any
23 amendment to such request); or

1 “(B) make the determination described in
2 section 309(k)(3) and deny such request (in-
3 cluding any amendment to such request).

4 “(g) MODIFICATION OF LICENSE; GRANT OF MAR-
5 KET ACCESS.—

6 “(1) MAJOR MODIFICATIONS.—Except as pro-
7 vided in paragraphs (2), (3), (5), and (6) and sub-
8 section (m), and not later than 1 year after the date
9 on which the Commission receives a request to mod-
10 ify a license granted under subsection (b)(1), the
11 Commission shall grant the request (including any
12 amendment to such request) if the Commission de-
13 termines the modification meets the requirements
14 under subsection (e). Except as provided in para-
15 graphs (2), (3), and (5), the Commission may grant
16 a request (including any amendment to such re-
17 quest) to modify a license granted under subsection
18 (b)(2) or a grant of market access granted under
19 subsection (c) if the Commission determines the
20 modification meets the requirements under sub-
21 section (e).

22 “(2) EXPEDITED TREATMENT FOR MINOR
23 MODIFICATIONS.—

24 “(A) NGSO LICENSE MODIFICATIONS.—

25 Except as provided in paragraphs (3), (5), and

1 (6) and subsection (m), and not later than 90
2 days after the date on which the Commission
3 receives a request to modify a license granted
4 under subsection (b)(1), the Commission shall
5 grant the request (including any amendment to
6 such request) if—

7 “(i) the Commission determines that
8 the modification or modifications meet the
9 requirements (if applicable) under subpara-
10 graphs (A) and (B) of subsection (e)(2);
11 and

12 “(ii) the request is limited only to
13 modifications, or a class of modifications,
14 that—

15 “(I) increase transmission capac-
16 ity;

17 “(II) improve spectral efficiency,
18 such as by improving compression
19 technologies;

20 “(III) improve the orbital vari-
21 ance efficiency of the space station (or
22 space stations, considered collectively,
23 if there is more than one such space
24 station) authorized by the license; or

1 “(IV) otherwise do not substan-
2 tially modify the space station (or
3 space stations, considered collectively,
4 if there is more than one such space
5 station) authorized by the license.

6 “(B) GSO LICENSE MODIFICATIONS.—Ex-
7 cept as provided in paragraphs (3), (5), and (6)
8 and subsection (m), and not later than 90 days
9 after the date on which the Commission receives
10 a request to modify a license granted under
11 subsection (b)(2), the Commission shall grant
12 the request (including any amendment to such
13 request) if—

14 “(i) the Commission determines that
15 the modification or modifications meet the
16 requirements (if applicable) under sub-
17 section (e)(2)(B); and

18 “(ii) the request is limited only to
19 modifications, or a class of modifications,
20 that—

21 “(I) increase transmission capac-
22 ity;

23 “(II) improve spectral efficiency,
24 such as by improving compression
25 technologies; or

1 “(III) otherwise do not substan-
2 tially modify the space station (or
3 space stations, considered collectively,
4 if there is more than one such space
5 station) authorized by the license.

6 “(C) DEEMED GRANTED.—If the Commis-
7 sion fails to grant a request (including any
8 amendment to such request) made by a licensee
9 under subparagraph (A) or (B) by the deadline
10 specified in such subparagraph (including any
11 extension of such deadline under paragraph (6)
12 or subsection (m)), the request (including any
13 amendment to such request) shall be deemed
14 granted on the date on which the Commission
15 receives a written notice by the licensee of the
16 failure.

17 “(3) EMERGENCY GRANT, RENEWAL, OR MODI-
18 FICATION.—If the Commission finds that there are
19 extraordinary circumstances requiring temporary op-
20 erations in the public interest and that delay in the
21 institution of such temporary operations would seri-
22 ously prejudice the public interest, the Commis-
23 sion—

24 “(A) may grant a license described in sub-
25 section (b), a grant of market access described

1 in subsection (c), or an authorization described
2 in subsection (d), a modification of such a li-
3 cense, grant of market access, or authorization,
4 or renewal of such a license, grant of market
5 access, or authorization for a period not to ex-
6 ceed 180 days in a manner and upon the terms
7 the Commission shall by rule prescribe in the
8 case of an emergency found by the Commission
9 involving—

10 “(i) danger to life or property; or

11 “(ii) an action that is necessary for
12 the national defense or security of the
13 United States;

14 “(B) shall include with a grant made
15 under this paragraph a statement of the rea-
16 sons of the Commission for making such grant;

17 “(C) may extend a grant made under this
18 paragraph for periods not to exceed 180 days;
19 and

20 “(D) shall give expeditious treatment to
21 any timely filed petition to deny such applica-
22 tion and to any petition for rehearing of such
23 grant filed under section 405.

24 “(4) EXCLUSION.—Paragraph (2) shall not
25 apply to a request to modify a license for—

1 “(A) the addition of an ancillary terrestrial
2 component; or

3 “(B) modifying the service offered under
4 the initial license granted under subsection (b)
5 between fixed satellite service and mobile sat-
6 ellite service.

7 “(5) AUTOMATIC GRANT OF CERTAIN MODI-
8 FICATIONS.—Upon notification to the Commission,
9 the Commission may automatically grant a request
10 to modify a license granted under subsection (b), a
11 grant of market access granted under subsection (c),
12 an authorization granted under subsection (d), or a
13 covered authorization, to replace—

14 “(A) one space station (or component of
15 such space station) with a technically similar
16 space station (or component of such space sta-
17 tion) previously approved by the Commission; or

18 “(B) one earth station (or component of
19 such earth station) with a technically similar
20 earth station (or component of such earth sta-
21 tion) previously approved by the Commission.

22 “(6) EXCEPTIONS.—The deadlines under para-
23 graphs (1) and (2) may be extended by the Commis-
24 sion for a request subject to review under subsection
25 (n).

1 “(h) SHARED SPECTRUM; PROTECTION FROM HARM-
2 FUL INTERFERENCE.—

3 “(1) GRANDFATHERED TREATMENT AND SUN-
4 SET OF CERTAIN AUTHORIZATIONS.—

5 “(A) IN GENERAL.—For the duration of
6 the covered period—

7 “(i) a covered authorization shall not
8 be treated as being granted under sub-
9 section (b)(1) or subsection (c)(1) (as the
10 case may be); and

11 “(ii) an entity with a covered author-
12 ization shall be afforded, and shall afford
13 to any other entity with a covered author-
14 ization, protection from harmful inter-
15 ference that is consistent with the terms of
16 such protection afforded before the date of
17 the enactment of this section.

18 “(B) TREATMENT OF CERTAIN APPLICA-
19 TIONS.—The Commission shall dismiss without
20 prejudice any application for a license or grant
21 of market access to operate a system described
22 in subparagraph (A), (B), or (C) of subsection
23 (b)(1) or subparagraph (A), (B), or (C) of sub-
24 section (c)(1) that is submitted to the Commis-
25 sion after the date of the enactment of this sec-

1 tion and before the date on which the rules
2 issued pursuant to subsection (a) take effect.

3 “(2) TRANSITIONAL RULES.—

4 “(A) RENEWAL UNDER THIS SECTION.—

5 An entity with a covered authorization may, at
6 any time before the end of the covered period,
7 seek renewal of the covered authorization under
8 subsection (f) as if the covered authorization
9 were a license granted under subsection (b)(1)
10 or a grant of market access granted under sub-
11 section (c)(1) (as the case may be). If the Com-
12 mission grants the renewal, the renewal shall be
13 treated as a renewal of a license granted under
14 subsection (b)(1) or a grant of market access
15 granted under subsection (c)(1) (as the case
16 may be).

17 “(B) MODIFICATION.—

18 “(i) INDICATION OF TYPE OF MODI-
19 FICATION SOUGHT.—If an entity with a
20 covered authorization submits to the Com-
21 mission a request to modify the covered
22 authorization, the entity shall indicate in
23 the request whether the entity is seeking—

24 “(I) a modification of the covered
25 authorization under the law and regu-

1 lations applicable to the covered au-
2 thorization; or

3 “(II) a modification of the cov-
4 ered authorization under subsection
5 (g) as if the covered authorization
6 were a license granted under sub-
7 section (b)(1) or a grant of market
8 access granted under subsection (c)(1)
9 (as the case may be).

10 “(ii) TREATMENT.—If the Commis-
11 sion grants a request to modify a covered
12 authorization—

13 “(I) in the case of a request for
14 a modification described in clause
15 (i)(I), the covered authorization as
16 modified shall continue to be treated
17 as described in paragraph (1)(A)(i)
18 and the entity with the covered au-
19 thorization shall, with respect to the
20 covered authorization, continue to be
21 afforded, and to afford to any other
22 entity with a covered authorization,
23 the protection described in paragraph
24 (1)(A)(ii); and

1 “(II) in the case of a request for
2 a modification described in clause
3 (i)(II), the covered authorization as
4 modified shall be treated as a license
5 granted under subsection (b)(1) or a
6 grant of market access granted under
7 subsection (c)(1) (as the case may be)
8 with respect to which a request to
9 modify has been granted under sub-
10 section (g).

11 “(3) GOOD FAITH COORDINATION OF SHARED
12 SPECTRUM.—Not later than the date on which the
13 rules issued pursuant to subsection (a) take effect—

14 “(A) a licensee of a license granted under
15 subsection (b), a grantee of a grant of market
16 access granted under subsection (c), or an enti-
17 ty with a covered authorization, in a spectrum
18 band with service rules that require such a li-
19 censee, grantee, or entity with a covered author-
20 ization to share spectrum with another such li-
21 censee, grantee, or entity with a covered author-
22 ization that is authorized to use the same fre-
23 quencies of such spectrum, shall make a good
24 faith effort to coordinate the use of such fre-
25 quencies (including the use of such frequencies

1 by an individually licensed earth station) with
2 any other such licensee, grantee, or entity with
3 a covered authorization and any other entity
4 that is authorized to use such frequencies; and

5 “(B) any other entity that is authorized to
6 use such frequencies shall make a good faith ef-
7 fort to coordinate the use of such frequencies
8 with any such licensee, grantee, or entity with
9 a covered authorization.

10 “(4) PROTECTION FROM HARMFUL INTER-
11 FERENCE.—

12 “(A) IN GENERAL.—Not later than the
13 date on which the rules issued pursuant to sub-
14 section (a) take effect, for any spectrum band
15 in which the Commission grants a license under
16 subsection (b)(1) or a grant of market access
17 under subsection (c)(1) and for which the serv-
18 ice rules require such a licensee or grantee or
19 an entity with a covered authorization to share
20 spectrum (except with respect to the use of a
21 gateway station) with another such licensee,
22 grantee, or entity with a covered authorization
23 that is authorized to use the same frequencies
24 of such spectrum, the Commission shall estab-
25 lish a quantifiable level of protection that (ex-

1 cept with respect to the use of a gateway sta-
2 tion) such a licensee or grantee shall afford to
3 any other entity (including an entity with a cov-
4 ered authorization but not including a licensee
5 of a license granted under subsection (b)(2) or
6 a grantee of a grant of market access granted
7 under subsection (c)(2)) that is authorized to
8 use such frequencies.

9 “(B) EXCEPTIONS.—Subparagraph (A)
10 shall not apply with respect to—

11 “(i) the spectrum between the fre-
12 quencies of 1617.775 megahertz and
13 1618.725 megahertz, inclusive; or

14 “(ii) any spectrum band allocated for
15 the earth exploration satellite service.

16 “(5) CONSIDERATION REQUIRED.—When estab-
17 lishing the quantifiable level of protection described
18 in paragraph (4), the Commission shall, with respect
19 to the entities to which the quantifiable level of pro-
20 tection is required under such paragraph to be af-
21 forded—

22 “(A) consider protection of such entities
23 based on a degraded throughput methodology,
24 requiring that, except in accordance with a co-
25 ordination agreement, a licensee of a license

1 granted under subsection (b)(1) or a grantee of
2 a grant of market access granted under sub-
3 section (c)(1) may cause no more than a certain
4 percentage increase in the link unavailability of
5 such an entity and may reduce the throughput
6 of such an entity by no more than a certain
7 percentage;

8 “(B) consider protection of such entities
9 from interference beyond a permissible inter-
10 ference-to-noise ratio, or whether interference-
11 to-noise alone provides a sufficient level of pro-
12 tection; and

13 “(C) consider protection of such entities
14 from harmful interference by awarding a great-
15 er share of spectrum during in-line events to
16 earlier-filed systems.

17 “(6) RELATION TO ITU RADIO REGULATIONS.—
18 Nothing in this subsection shall be construed to re-
19 quire the Commission to adopt rules regarding the
20 use of spectrum that contravene a requirement of
21 the radio regulations of the International Tele-
22 communication Union.

23 “(7) RULE OF CONSTRUCTION.—An entity with
24 a covered authorization shall not be required to sub-
25 mit additional information in order to retain such

1 authorization, nor shall paragraph (1)(A) affect any
2 obligation of such entity under applicable law or reg-
3 ulation until the end of the covered period.

4 “(i) STATE PREEMPTION OF MARKET ENTRY;
5 RATES.—Notwithstanding any other provision of law, no
6 State or local government shall have any authority to reg-
7 ulate the entry of or the rates charged by an applicant
8 or licensee related to a license granted under subsection
9 (b), an applicant or grantee related to a grant of market
10 access granted under subsection (c), or an applicant or
11 entity related to an authorization granted under sub-
12 section (d), except that this subsection shall not prohibit
13 a State from regulating the other terms and conditions
14 of such a licensee, grantee, or entity.

15 “(j) REGULATORY RESTRAINT.—

16 “(1) LIMITATION ON INFORMATION REQUIRED
17 TO BE PROVIDED.—In performing any act, making
18 any rule or regulation, or issuing any order nec-
19 essary to carry out this section, the Commission—

20 “(A) shall limit the information required to
21 be furnished to the Commission;

22 “(B) shall demonstrate the Commission
23 has taken every reasonable step to limit the in-
24 formation required to be furnished to the Com-
25 mission;

1 “(C) may not require, with respect to an
2 application under subsection (b), (c), or (d), a
3 request for renewal under subsection (f), or a
4 request for modification under subsection (g),
5 the filing of any information which previously
6 has been furnished to the Commission or which
7 is not directly material to the considerations
8 that affect the granting or denial of such appli-
9 cation or request (but the Commission may re-
10 quire any new or additional facts the Commis-
11 sion deems necessary to make its findings); and

12 “(D) may not request additional informa-
13 tion regarding the performance objectives estab-
14 lished under subsection (a)(1)(A) for any case
15 in which an applicant has demonstrated compli-
16 ance with such performance objectives.

17 “(2) DEADLINE FOR PETITION DETERMINA-
18 TION.—If an applicant for a license or a licensee
19 under subsection (b) files a petition under part 1 of
20 title 47, Code of Federal Regulations (or any suc-
21 cessor regulation) relating to information required to
22 be furnished to the Commission under this section,
23 the Commission shall grant or deny the petition
24 within 90 days after the date on which the petition
25 is filed.

1 “(k) RELATION TO EXPERIMENTAL AND AMATEUR
2 USES.—This section shall not apply to any Commission
3 authorization in—

4 “(1) the experimental radio service; or

5 “(2) the amateur radio service.

6 “(l) COMPLETENESS.—

7 “(1) IN GENERAL.—Not later than 20 business
8 days after receiving a written application submitted
9 under subsection (b), (c), or (d), the Commission
10 shall—

11 “(A) determine whether—

12 “(i) such application contains—

13 “(I) in the case of an application
14 submitted under subsection (b), all of
15 the information required to be sub-
16 mitted with the application under sub-
17 section (b)(3) and the first sentence of
18 section 308(b);

19 “(II) in the case of an applica-
20 tion submitted under subsection (c),
21 all of the information required to be
22 submitted with the application under
23 subsection (c)(3) and the first sen-
24 tence of section 308(b); or

1 “(III) in the case of an applica-
2 tion submitted under subsection (d),
3 all of the information required to be
4 submitted with the application under
5 the first sentence of section 308(b);
6 and

7 “(ii) the applicant has paid the fee (if
8 any) required under section 8 in connec-
9 tion with the application; and

10 “(B) either—

11 “(i) if both determinations under sub-
12 paragraph (A) are in the affirmative, issue
13 a public notice of the acceptance for filing
14 of such application; or

15 “(ii) if either determination under
16 subparagraph (A) is in the negative, pro-
17 vide notice to the applicant of the negative
18 determination, including what information
19 that was required to be submitted was not
20 submitted or the amount of the application
21 fee due, or both (as the case may be).

22 “(2) INACTION BY COMMISSION.—If the Com-
23 mission does not comply with paragraph (1) with re-
24 spect to an application by the deadline specified in
25 such paragraph, the Commission shall be deemed for

1 purposes of subsection (b), (c), or (d) (as the case
2 may be) to have issued a public notice of the accept-
3 ance for filing of such application on the date that
4 is 21 business days after the date on which such ap-
5 plication was received.

6 “(3) LIMITATION.—In making a determination
7 under paragraph (1)(A)(i), the Commission may
8 only consider whether the application contains the
9 information described in subclause (I), (II), or (III)
10 (as the case may be) of such paragraph and may not
11 consider whether the information is sufficient to
12 allow the Commission to grant or deny the applica-
13 tion.

14 “(m) TOLLING.—

15 “(1) IN GENERAL.—Except as provided in sub-
16 sections (b)(5), (d)(4), and (g)(6), with respect to an
17 application for a license under subsection (b) or an
18 authorization under subsection (d), or a request for
19 renewal under subsection (f) or modification under
20 subsection (g) of a license granted under subsection
21 (b), a grant of market access granted under sub-
22 section (c), or an authorization granted under sub-
23 section (d), the Commission may extend the deadline
24 under subsection (b), (d), (f), or (g) (as the case

1 may be) for consideration of the application or re-
2 quest only if the Commission—

3 “(A) finds that there are extraordinary cir-
4 cumstances requiring additional time for consid-
5 eration of the application or request such that,
6 if the deadline were not extended, the public in-
7 terest would be seriously prejudiced; and

8 “(B) issues a public notice of the finding
9 described in subparagraph (A) that states—

10 “(i) the reasons of the Commission for
11 the extension; and

12 “(ii) the length of the period of the
13 extension.

14 “(2) LENGTH.—The Commission may not grant
15 an extension of a deadline under paragraph (1) for
16 a period that exceeds 90 days but may grant 1 or
17 more additional extensions of such deadline under
18 such paragraph, if the Commission makes the find-
19 ing and issues the public notice required by such
20 paragraph with respect to any such additional exten-
21 sion.

22 “(n) REVIEW FOR NATIONAL SECURITY AND LAW
23 ENFORCEMENT CONCERNS.—

24 “(1) REVIEW REQUIRED FOR ENTITIES WITH
25 REPORTABLE FOREIGN OWNERSHIP.—In the case of

1 an application under subsection (b), (c), or (d), a re-
2 quest for modification under subsection (g), or a re-
3 quest for modification of a covered authorization
4 that is submitted by an entity that the Commission
5 determines to have reportable foreign ownership, the
6 Commission shall refer such application or request
7 to the Committee for the Assessment of Foreign
8 Participation in the United States Telecommuni-
9 cations Services Sector established by Executive
10 Order No. 13913 (85 Fed. Reg. 19643) (in this sub-
11 section referred to as the ‘Committee’) for review of
12 national security and law enforcement concerns that
13 may be raised by such application or request.

14 “(2) REVIEW AT DISCRETION OF COMMIS-
15 SION.—In addition to the applications and requests
16 that the Commission is required to refer to the Com-
17 mittee under paragraph (1), the Commission may, in
18 the discretion of the Commission, refer any other ap-
19 plication under subsection (b), (c), or (d), request
20 for modification under subsection (g), or request for
21 modification of a covered authorization to the Com-
22 mittee for review of national security and law en-
23 forcement concerns that may be raised by such ap-
24 plication or request.

25 “(o) DEFINITIONS.—In this section:

1 “(1) COVERED APPLICATION.— The term ‘cov-
2 ered application’ means an application for a license
3 or grant of market access to operate a system de-
4 scribed in subparagraph (A), (B), or (C) of sub-
5 section (b)(1) or subparagraph (A), (B), or (C) of
6 subsection (c)(1) that is pending on the date of the
7 enactment of this section.

8 “(2) COVERED AUTHORIZATION.—The term
9 ‘covered authorization’ means—

10 “(A) a license or grant of market access
11 granted by the Commission to operate a system
12 described in subparagraph (A), (B), or (C) of
13 subsection (b)(1) or subparagraph (A), (B), or
14 (C) of subsection (c)(1) that is in effect on the
15 date of the enactment of this section; or

16 “(B) a license or grant of market access
17 granted by Commission approval of a covered
18 application.

19 “(3) COVERED PERIOD.—The term ‘covered pe-
20 riod’ means, with respect to a covered authorization,
21 the period of time that begins on the date of the en-
22 actment of this section and ends on the earliest of—

23 “(A) the date that is 11 years after such
24 date of enactment;

1 “(B) the date on which the Commission
2 determines that the licensee or grantee (as the
3 case may be) has not either—

4 “(i) deployed a level of service com-
5 mensurate with the terms of the license or
6 grant of market access; or

7 “(ii) otherwise demonstrated progress
8 and investment consistent with the deploy-
9 ment obligations under the license or grant
10 of market access;

11 “(C) the date on which the Commission
12 grants a request to renew the covered author-
13 ization; or

14 “(D) the date on which the Commission
15 grants a request for a modification of the cov-
16 ered authorization described in subsection
17 (h)(2)(B)(i)(II).

18 “(4) COVERED RADIOCOMMUNICATION SERV-
19 ICE.—The term ‘covered radiocommunication serv-
20 ice’ means a radiocommunication service (as defined
21 in the radio regulations of the International Tele-
22 communication Union that are in force as of the
23 date of the enactment of this section (or any suc-
24 cessor to such regulations)), except that such term
25 does not include any radionavigation or safety serv-

1 ice specifically identified by the Commission as a
2 safety service for aeronautical or maritime transpor-
3 tation.

4 “(5) GATEWAY STATION.—The term ‘gateway
5 station’ means an earth station or a group of earth
6 stations that—

7 “(A) supports the routing and switching
8 functions of a system operated under a license
9 granted under subsection (b) or a grant of mar-
10 ket access granted under subsection (c);

11 “(B) may also be used for telemetry, track-
12 ing, and command transmissions;

13 “(C) does not originate or terminate com-
14 munication traffic; and

15 “(D) is not for the exclusive use of any
16 customer.

17 “(6) INDIVIDUALLY LICENSED EARTH STA-
18 TION.—The term ‘individually licensed earth station’
19 means—

20 “(A) an earth station (other than a blan-
21 ket-licensed earth station) that sends a signal
22 to, and receives a signal from—

23 “(i) a nongeostationary orbit space
24 station or space stations operated under a
25 license granted under subsection (b)(1) or

1 a grant of market access granted under
2 subsection (c)(1); or

3 “(ii) a geostationary orbit space sta-
4 tion or space stations operated under a li-
5 cense granted under subsection (b)(2) or a
6 grant of market access granted under sub-
7 section (c)(2); or

8 “(B) a gateway station.

9 “(7) ORBITAL VARIANCE EFFICIENCY.—The
10 term ‘orbital variance efficiency’ means the mean of
11 the distance between the actual altitude of each
12 space station and the authorized altitude for each
13 space station authorized under subsection (b)(1).”.

14 (b) RELATION TO OTHER LAW AMENDMENTS.—The
15 Communications Act of 1934 (47 U.S.C. 151 et seq.) is
16 amended—

17 (1) in section 309(j)(2)—

18 (A) in subparagraph (B), by striking “;
19 or” and inserting a semicolon;

20 (B) by redesignating subparagraph (C) as
21 subparagraph (D); and

22 (C) by inserting after subparagraph (B)
23 the following new subparagraph:

1 “(C) for licenses, grants of market access,
2 or authorizations granted under section 346;
3 or”; and

4 (2) in section 309(k)—

5 (A) in the heading, by striking “BROAD-
6 CAST STATION RENEWAL PROCEDURES” and
7 inserting “RENEWAL PROCEDURES FOR CER-
8 TAIN AUTHORIZATIONS”;

9 (B) in paragraph (1)—

10 (i) in the matter preceding subpara-
11 graph (A)—

12 (I) by inserting “, the licensee of
13 a license granted under section
14 346(b), the grantee of a grant of mar-
15 ket access granted under section
16 346(c), or an entity with authoriza-
17 tion granted under section 346(d),”
18 after “broadcast station”;

19 (II) by inserting “, grant, or au-
20 thorization” after “such license”;

21 (III) by striking “that station”
22 and inserting “that licensee, grantee,
23 or entity”; and

1 (IV) by inserting “, grant of
2 market access, or authorization” after
3 “its license”;

4 (ii) in subparagraph (A), by striking
5 “the station” and inserting “in the case of
6 a broadcast station, the station”;

7 (iii) by redesignating subparagraphs
8 (B) and (C) as subparagraphs (C) and
9 (D), respectively;

10 (iv) by inserting after subparagraph
11 (A) the following:

12 “(B) in the case of a licensee of a license
13 granted under section 346(b), a grantee of a
14 grant of market access granted under section
15 346(c), or an entity with authorization granted
16 under section 346(d), the licensee, grantee, or
17 entity has met the requirements of section
18 346(e);”;

19 (v) in subparagraph (C), as so reded-
20 icated, by inserting “, grantee, or entity”
21 after “licensee”; and

22 (vi) in subparagraph (D), as so reded-
23 icated, by inserting “, grantee, or entity”
24 after “licensee”;

1 (C) in paragraph (2), by inserting “, or the
2 licensee of a license granted under section
3 346(b), the grantee of a grant of market access
4 granted under section 346(c), or an entity with
5 authorization granted under section 346(d),”
6 after “broadcast station”;

7 (D) in paragraph (3)—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “of a broadcast
10 station, a licensee of a license granted
11 under section 346(b), a grantee of a grant
12 of market access granted under section
13 346(c), or an entity with authorization
14 granted under section 346(d)” after “that
15 a licensee”;

16 (ii) in subparagraph (A)—

17 (I) by inserting “, grantee, or en-
18 tity” after “licensee”; and

19 (II) by inserting “or 346” after
20 “section 308”; and

21 (iii) in subparagraph (B), by striking
22 “former licensee” and inserting “former li-
23 censee of a broadcast station or such appli-
24 cations for a license, grant of market ac-
25 cess, or authorization as may be filed

1 under section 346(b), 346(c), or 346(d)
2 specifying the information of the former li-
3 censee, grantee, or entity”; and
4 (E) in paragraph (4), by inserting “, grant
5 of market access, or authorization” after “li-
6 cense”.

7 (c) APPLICABILITY.—The requirements in the
8 amendments made by this section apply with respect to
9 any application submitted under subsection (b), (c), or (d)
10 of section 346 of the Communications Act of 1934 and
11 any request for renewal or modification submitted under
12 such section, as added by subsection (a), on or after the
13 date of the enactment of this Act.

